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ABSTRACT

Educators and the public are divided over the value of implementing school-uniform policies in the public schools. This digest examines arguments for and against school-uniform policies, identifies legal considerations, and offers guidelines for implementing policies on student dress. Most parents h ve responded favorably to uniform policies, while children's attitudes vary. The legal issues involve First Amendment claims and liberty claims. Experts recommend that policymakers address three key questions: Are the requirement legally defensible/ Do they actually restore order? Are less restrictive dress codes a better alternative? For example, policymakers can consider five alternatives ranging from least to most restrictive; (1) Do not institute a dress code; (2) institute a dress code that outlines general goals, and let principals and local school officials formulate and implement policy at the grass-roots level; (3) institute an itemized dress code that will be applied throughout the district; (4) authorize a voluntary uniform policy; and (5) authorize a mandatory uniform policy with or without a clearly defined opt-out provision. The policymakers should decide whether to let schools choose their own uniforms and whether to offer financial help to low-income families. (Contains 10 references.) (LMI)

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# Student Dress Policies

*By Lynne Isaacson*

In recent years, schools across the country have experienced violence, gang activity, and thefts of clothing and accessories. Many school boards, mindful of their responsibility to provide safe school environments for students, have implemented policies specifying dress codes or the wearing of uniforms.

As many as 25 percent of the nation's public elementary, middle, and junior high schools were expected to implement dress-related policies during the 1997-98 school year, according to the *California School News* (March 31, 1997). Ten states allow school districts to mandate school uniforms.

Educators and the public are divided over the value of implementing school-uniform policies in the public schools. This Digest examines arguments for and against school-uniform policies, identifies legal considerations, and offers guidelines for implementing policies on student dress.

## What Are the Arguments in Favor of School Uniforms?

One of the chief benefits of school uniforms, say proponents, is that they make schools safer. Uniforms are said to reduce gang influence, minimize violence by reducing some sources of conflict, and help to identify trespassers. Parents benefit because they are no longer pressured to buy the latest fashions, and they spend less on their children's clothing.

Uniforms are also claimed to help erase cultural and economic differences among students, set a tone for serious study, facilitate school pride, and improve attendance (Cohn 1996, Loesch 1995, Paliokos and others 1996).

Proponents also say uniforms enhance students' self-concepts, classroom behavior, and academic performance (Caruso 1996).

## What Are the Arguments in Opposition?

Opponents contend that school-uniform policies infringe upon students' First Amendment rights to freedom of expression; interfere with students' natural tendency to experiment with their identities; are tools of administrative power and social control; offer a piecemeal approach to issues of racial and economic injustice; and may discriminate against students from minority backgrounds (Caruso 1996, Cohn and Siegal 1996).

Some believe uniforms will not erase social class lines, because policies do not apply to other items that can be used to convey status, such as jewelry, backpacks, and bikes. Uniforms may not be feasible in high schools, because older students are more independent. Others argue that it is wrong to make children's right to a public-school education contingent upon compliance with a uniform policy (Caruso, Cohn and Siegal).

## What Are the Outcomes to Date?

Most preliminary findings come from the Long Beach (California) Unified School District, the first U.S. public school system to require uniforms for elementary and middle school students. Before implementing its policy in September 1994, the school district required approval from two-thirds of the parents (Caruso 1996).

Long Beach Superintendent Carl A. Cohn reported that during the first year suspensions decreased by 32 percent, school crime by 36 percent, fighting by 51 percent, and vandalism by 18 percent (Cohn). At Whittier Elementary, attendance rates have risen each year since the policy went into effect, reaching a high of 96 percent (Caruso).

Schools in Chicago, Florida, Georgia, Louisiana, Maryland, New York, and Virginia have made similar claims (Caruso).

Parents have responded favorably to uniform policies. In Long Beach, only 500 parents petitioned to opt their children out of the mandate. In a national marketing survey conducted by Lands End, a Wisconsin-based clothing catalog company, respondents agreed that a uniform policy "could help reduce problems associated with dress," and most felt the price was "about the same or less than the cost of a regular school wardrobe" (*California School News*). California requires school districts to subsidize the cost of uniforms for low-income students.

A 1996 survey of 306 middle school students in the Charleston, South Carolina, County School District found that school uniforms affected student preceptions of school climate. Students in a middle school with a uniform policy had a significantly higher perception of their school's climate than did students in a school without a uniform policy (Murray 1997).

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Student reactions range from delight at not having to decide what to wear to displeasure at looking like a "nerd." It is important, therefore, to include students as well as parents in the uniform-selection process.

**What Legal Issues Are Involved?**

To date, most legal challenges to dress-code policies have been based on either (1) claims that the school has infringed on the student's First Amendment right to free expression or (2) claims under the Fourteenth Amendment that the school has violated the student's liberty to control his or her personal appearance (Paliokos and others 1996).

*First Amendment Claims.* The clash between students' rights of free expression and the responsibility of public-school authorities to provide a safe learning environment is the central issue in the debate over dress-code policy.

In developing a ban on gang-like attire, whether through implementing a dress-code or a school-uniform policy, administrators should ask: (1) Is there a direct link between the targeted attire and disruption of the school environment? and (2) Is the prohibition specific enough to target the threatening attire without infringing on students' rights? (Lane and others 1994).

"Any dress restriction that infringes on a student's First Amendment rights must be justified by a showing that the student's attire materially disrupts school operations, infringes on the rights of others at the school, or otherwise interferes with any basic educational mission of the school" (Grantham 1994).

To defend its action if challenged in court, a state must carefully define its interest when authorizing school districts to implement mandatory uniform policies. Policy-makers must be able to document that a problem exists (Paliokos and others).

*Liberty Claims.* Most challenges claiming a violation of the liberty interest have dealt with restrictions on hair length. Courts have been evenly split on whether a liberty interest exists. "Most courts that uphold the restrictions give the policy a presumption of constitutionality and place the burden on the defendant to show it is not rationally related to a legitimate school interest.... Those courts that strike down such regulations have found that schools impose unnecessary norms on students" (Paliokos and others).

**What Are Some Guidelines for Implementing Policies?**

Lane and others offer the following advice to policy-makers: Before implementing a dress-code or school-uniform policy, be able to justify the action by demonstrating the link between a kind of dress and disruptive behavior; consult with a school attorney; and make sure the policy is enforceable and does not discriminate against racial/ethnic minorities.

In regard to uniforms, Paliokos and others recommend that policy-makers address three key questions: Are the requirements legally defensible? Do they actually restore order? Are less restrictive dress codes a better alternative? For example, policy-makers can consider five alternatives ranging from least to most restrictive:

1. Do not institute a dress code.
2. Institute a dress code that outlines general goals, and let principals and local school officials formulate and implement policy at the grass-roots level.
3. Institute an itemized dress code that will be applied throughout the district.
4. Authorize a voluntary uniform policy.
5. Authorize a mandatory uniform policy with or without a clearly defined opt-out provision.

Then policy-makers should decide whether to let schools choose their own uniforms and whether to offer financial help to low-income families (Paliokos and others).

Whichever policy is chosen, successful implementation depends on developing positive perceptions among students and parents, making uniforms available and inexpensive, implementing dress-code/uniform policies in conjunction with other educational change strategies, allowing for some diversity in uniform components, involving parents and students in choice of uniforms and formulation of policy, recognizing cultural influences, and enforcing the rules evenly and fairly.

Superintendent Cohn credits his district's success to a stable school board, supportive parents and community, resources to defend the policy, capable site administrators, and community philanthropic resources.

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